

EL DORADO CITY COMMISSION MEETING

February 15, 2010

The El Dorado City Commission met in regular session on February 15, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter.

VISITORS

Brad Myers	220 E. 1 st	El Dorado, Kansas
Matt Rehder	220 E. 1 st	El Dorado, Kansas
Ernest Zuech	426 Ohio St.	El Dorado, Kansas
Phil Wickwire	341 Village Rd	El Dorado, Kansas
Tabitha Sharp	220 E. 1 st	El Dorado, Kansas
Jack Dickson	323 N. Randall	Potwin, Kansas
Vince Haines	300 N. Star	El Dorado, Kansas
Linda Jolly	2100 Pico	El Dorado, Kansas
Jason & Sharon Holmes	518 S. High St.	El Dorado, Kansas
Darla Carter	P.O. Box 735	El Dorado, Kansas
Aurora Myers	110 S. Gordy	El Dorado, Kansas
Chaplain Mark Somerville	515 W. Locust	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the February 15, 2010, City Commission meeting to order.

INVOCATION

Chaplain Mark Somerville, Hospice Care of Kansas, opened the meeting with a prayer.

PLEDGE OF ALLEGIANCE

Commissioners led the Pledge of Allegiance.

PERSONAL APPEARANCE

Vince Haines, El Dorado Inc. President, presented the 2009 marketing efforts, launching of 360eldorado.com website, committee updates, and 2010 operating initiatives.

Linda Jolly, CVB Director, presented 2009 updates for the Convention and Visitors Bureau.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

With no one appearing, Mayor Tom McKibban closed the public comment session.

CONSENT AGENDA

- a) Approval of the February 1, 2010 City Commission minutes.

Commissioner Shane Krause moved that the Consent Agenda, as presented, be approved.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SPECIAL USE PERMIT TO ALLOW A BEAUTY SALON ON PROPERTY LOCATED AT 518 S. HIGH. THE PROPERTY IS ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT. (CASE NO. 10-001-SUP)

Assistant to the City Manager Matt Rehder stated that Sharon Holmes is requesting a Special Use Permit to allow a beauty salon on property located at 518 S. High. The property is currently zoned R-1 Residential-Low Density District.

At the January 28, 2010 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit application by a vote of 7-0.

Sharon Holmes, 518 South High, appeared and informed the Commission that a State Inspection will take place Wednesday, February 17, 2010.

ORDINANCE NO. G-1098

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 10-001-SUP requesting a Special Use Permit to allow a Beauty Salon on land located at 518 S. High be approved for reasons stated in the staff report and heard at the public hearing and that Ordinance No. G-1098 be approved.

Commissioner Nick Badwey seconded the motion.

ROLL CALL

Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes

NEIGHBORHOOD REVITALIZATION PROGRAM DISCUSSION

City Manager Herb Llewellyn stated that when a property is admitted into the NRP due to a fire or some kind of blight and the property has already had the value set by the Appraiser’s office on January 1, the property may not receive a rebate if it has been remodeled before the next January 1 rolls around. The Appraiser’s office will not (or cannot) re-set the value due to the fire/blight. This may not affect many properties, but with the ‘builder’s amendment’ to the NRP in 2009 and 2010, it may affect several.

Consensus of the Commission was for the City Manager to inquire with the County Appraiser’s office to see if changes could be made outside of the standard appraisal date.

LIQUOR TAX FUND

The City has requested the use of alcohol tax monies for 2010. Due to a change in the City’s interpretation of the statute as related to cities in Butler County, the Commission may allocate monies in 2010 from two funds (the Liquor Tax Fund #17, and the Special Community Support Program and Parks and Recreation Fund #16). Each fund has different eligibility requirements.

State law requires the alcohol funds that are in the Liquor Tax Fund #17 be spent “...only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.”

The remaining balance in the Liquor Tax Fund is \$7630.60; therefore, the 2010 allocation by the City Commission cannot exceed that amount. Due to the change in the interpretation of the statute, monies are no longer being placed in this fund.

State law requires the alcohol funds that are in the Special Community Support Program and Parks and Recreation Fund #16 be spent "...only for (1) the establishment and operation of a domestic violence program operated by a not-for-profit organization or (2) the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Staff recommends that the portion of these monies previously deposited to the Liquor Tax Fund (prior to the new interpretation of the statute) now be allocated for domestic violence programs as outlined in item #1 of the statute.

ALLOCATION FROM LIQUOR TAX FUND

Commissioner Linda Clark moved to allocate the portion of the alcohol tax monies remaining in the Liquor Tax Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

<u>Requesting Organization</u>	<u>2009 Allocation</u>	<u>Commission Allocation</u>
Counseling Center	N/A	\$ 4,000
El Dorado Elks Lodge #1407	\$ 3,000	\$ 3,000
Ministry To Survivors	\$ 1,500	\$ 1,000
SCARF	\$ 1,500	\$ 2,000
Other:		
(Youth Leadership Butler)	\$300	Nothing requested in 2010
(Mothers Against Meth)	\$2000	Nothing requested in 2010
Total	\$16,300	\$10,000

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

ALLOCATION FROM SPECIAL COMMUNITY SUPPORT PROGRAM AND PARKS AND RECREATION FUND

Commissioner Linda Clark moved to allocate a portion of the alcohol tax monies in the Special Community Support Program and Parks and Recreation Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

<u>Requesting Organization</u>	<u>2009 Allocation</u>	<u>Commission Allocation</u>
Family Life Center	N/A	\$10,000
Total	\$ N/A	\$10,000

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

TEMPORARY NOTE – PROJECT NO. 317

Assistant City Engineer Scott Rickard requested funding for Project No. 317 (West Water Pressure Zone) in the amount of \$1,260,000.00 to finance and complete Project No. 317.

RESOLUTION NO. 2654

Commissioner Nick Badwey moved that Resolution No. 2654, a resolution providing for the issuance of Temporary Note No. 1881 for Project No. 317 (West Water Pressure Zone) in the total principal amount of \$1,260,000.00 be adopted.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SALES TAX COMMITTEE APPOINTMENTS

The Sales Tax Advisory Committee is appointed each year and several members were appointed at the previous City Commission meeting.

SALES TAX ADVISORY BOARD – No Term Limits (1-year term)

Commissioner Nick Badwey moved to appoint Randy Wells (Commissioner Badwey) and James Holderman (Commissioner Krause) to the Sales Tax Advisory Board for a one-year term set to expire March 1, 2011.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Linda Clark requested for clarification of recycle bag delivery.

Assistant Public Works Director Brad Meyer informed the Commission that recycle bags will be delivered every March.

Commissioner Nick Badwey invited the Community to Trinity Episcopal Church for the Tuesday night pancake drive.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the Hope VI grant meeting will take place on March 9, 2010 at 6:00 p.m.

El Dorado Inc. is hosting a meeting on March 17, 2010 at 5:30 at the Civic Center regarding the City and County comprehensive plans. This meeting is open to the public.

In the past, Prairie Port Festival held a pole vault competition. The coordinators of this event have requested to close North Main for this competition. Staff is recommending this event be held on First Avenue so that Main Street remains open. Consensus was to close First or Second Avenue if conducive for the competition.

The City of El Dorado has received a draft contract from Kemper Sports for Prairie Trails operations. Staff is making final revisions with an anticipated operation date in March; no later than April 1, 2010.

Assistant Public Works Director Brad Meyer informed the Commission that snow removal during the last storm was done at night to get curb to curb removal. With downtown snow removal, staff also shoveled paths for citizens to get onto sidewalks.

Consensus of the Commission was to continue to provide downtown snow removal.

EXECUTIVE SESSION

Mayor Tom McKibban stated that this item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:45 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 8:46 p.m.

Commissioner Linda Clark moved to extend the Executive Session until 9:05 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 3-0 (Commissioner Shane Krause and Commissioner David Chapin reminded in the conference room).

Mayor McKibban reconvened the meeting at 9:15 p.m.

SUGGESTED MOTION

Commissioner Nick Badwey moved to adjourn the meeting at 9:15 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban